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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,608	10/17/2003	Lynn Ann Casey	86769-0021	8949

30398 7590 01/17/2008
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EXAMINER

MCCORMICK, GABRIELLE A

ART UNIT	PAPER NUMBER
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3629

NOTIFICATION DATE	DELIVERY MODE
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01/17/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/686,608	Applicant(s) CASEY ET AL.	
	Examiner Gabrielle McCormick	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☒ Claim(s) 1-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on October 17, 2003.
2. Claims 1-58 are currently pending and have been examined.

Claim Objections

3. Claims 1 and 8 are objected to because of the following informalities: The claims ends in a double period. Appropriate correction is required. Claims 2-7 and 9-12 are objected to in accordance with their dependency from an objected claim.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 1-12, 23-28, 38, 47-48 and 50-51** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. **Claims 1-28** are vague and indefinite because it is unclear which statutory class the claims are directed toward (see rejection under 35 USC 101 below).
7. **Claims 1-12:** Claim 1 recites the limitation, "one or more supporting capabilities encompassing the one or more citizen-facing capabilities for assisting the one or more citizen-facing capabilities in working together". It is unclear how a citizen-facing capability can be assisted in working together when only one exists. It is also unclear when the phrase "one or more" is used whether that pertains to a one-to-one relationship among the citizen-facing capabilities, support capabilities and infrastructure capabilities when each capability is singular, or whether a one to a

plurality relationship exists in various combinations with the capabilities. Claims 2-12 are rejected through their dependency from claim 1.

8. **Claims 23-28:** Claim 23 recites the phrase "one or more supporting elements for storing collecting and storing information collected and intelligence developed with the border management solution." It is unclear what is stored and what is collected. It is further unclear how intelligence is developed in order to be stored. Claims 24-28 are rejected through their dependency from claim 23.
9. **Claim 38:** The use of the term, "any" renders the claim vague and indefinite because the term can be interpreted to mean anything from "none" to an "infinite amount" of supporting documentation is presented by the passenger.
10. **Claims 47-48 and 50-51:** These claims contain the phrase "the passenger". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

12. **Claims 1-28** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention does not fall within at least one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).
13. **Claims 1-12:** The claims are directed toward, "A border management business architecture for developing a border management solution". An "architecture" is neither process, machine (i.e., system), manufacture nor composition of matter and is therefore non-statutory subject matter. Further, the limitations of the claims various "capabilities", which, by definition, is merely a

potential to be able to do something. Capabilities do not provide any structure to the claims, as would be required if they were directed toward a system.

14. **Claims 13-22:** The claims are directed toward, "A border management application architecture". An "architecture" is neither process, machine (i.e., system), manufacture nor composition of matter and is therefore non-statutory subject matter. Further, the limitations of the claims recite various "applications", "channels" and "tool sets" which do not provide any structure to the claims that would allow the "architecture" to be interpreted as a system.
15. **Claims 23-28:** The claims are directed toward, "A border management solution". A "solution" is neither process, machine (i.e., system), manufacture nor composition of matter and is therefore non-statutory subject matter.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claims 1-3, 6-7 and 11-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade ("Customs aims to keep their pledge; [Final Edition]". San Antonio Express-News. San Antonio, Tex.: Mar. 30, 1997, pg.3.K) in view of Wong (US Pat. No. 6,115,690).
18. **Claims 1 and 2:** Wade discloses a traveler from an overseas flight entering Kennedy International Airport (located in *a country of people and commerce* and providing exit from a country) being directed to an inspector at a counter where bags were opened for inspection. (pg. 1; para. 4-5: *citizen-facing capabilities providing interaction between people or commerce entering or exiting a country and border enforcement personnel*); a government data base that lists names of offenders as a means of selecting passengers for inspection (para.9) and scanned

passport data being compared with the Interagency Border Inspection System upon exit from a country (pg. 2; para. 2). This provides the *supporting capabilities encompassing the one or more citizen-facing capabilities for assisting the one or more citizen-facing capabilities in working together*). Further, the Customs Service has a strategy of getting most passengers through its system (*infrastructure*) and out the airport door within five minutes. (para. 1: *infrastructure capabilities for coordinating strategy among and infrastructure support across the one or more citizen-facing capabilities and one or more supporting capabilities.*)

19. Wade does not disclose *business architecture*.
20. Wong, however, discloses "software that enables end-to-end, business-to-business Web commerce...that automates...the various aspects of running a successful and profitable business." (C4; L7-12).
21. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included business architecture, as disclosed by Wong, in the system of Wade for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). Wade has disclosed IBIS and APIS (Advanced Passenger Information System – pg. 2; para. 4). By combining Wong's business process integration system with the various aspects of Customs and immigration processes performed by the Customs Service and the INS, including the database checking of APIS and IBIS, the process of providing the clearance through Customs and Immigration would be streamlined, more efficient and therefore aid in reaching the Customs Service pledge of speeding passengers through its system. (Wade; pg. 1; para. 1).
22. **Claim 3:** Wade discloses an application for an Inspass that allows travelers to pass through Immigration quickly (pg. 2; para. 9 and 10) and a declarations card for goods purchased overseas. (pg. 1; para. 5). The Customs clearing process, already a means of facilitating the movement of people and trade is further enhanced with the Inspass system.

23. **Claim 6:** Wade discloses enforcement in the form of paying a duty on declared items (pg. 1; para. 9) and the Immigration and Naturalization Service receiving information about passengers on a flight (pg. 1; para. 11: The INS is inherently tasked with enforcement of immigration laws.).
24. **Claim 7:** Wade discloses that people “who arouse the interest of the Customs inspectors” are selected for luggage inspection; (pg. 1; para.9: *detect and enforce border laws and policies capability for reviewing, analyzing, and detecting suspect individuals or shipments and conduct enforcement investigations* (i.e., luggage inspections) *capability for conducting investigations of individuals or trade*) and the Interagency Border Inspection System (IBIS) that allows for comparison of passports with law enforcement data. (pg. 2; para. 2-3). The matching of names in IBIS provides the *collect, analyze, and communicate intelligence capability for collecting and analyzing information to detect and communicate potential individual or trade risks*.
25. **Claim 11:** Wade discloses passenger service representatives (pg. 2; para. 6) who act as troubleshooters and thus provide support to the Customs inspectors (the *citizen-facing capabilities*). A kiosk acts as an interface to the travelers (i.e., *clients*) where those carrying Inpass cards are able to clear Immigration. (pg. 2; para. 9). The Customs Service is the coordinator of activities between the Customs inspectors. (pg. 1; para. 1).
26. **Claim 12:** Wade discloses the Customs Service strategy of speeding passengers through its system (pg.1; para. 1: this defines the strategy across the Customs Service in airports, where borders are managed). Wade does not disclose providing shared services.
27. Wong, however, discloses that business processes include purchasing (i.e., procurement), financial performance (i.e., finance and budgets), personnel (i.e., human resources) and engineering. (C5; L56-63). It is obvious that information technology in Wong’s integrated web-based system would fall under engineering.
28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included shared service support, as disclosed by Wong in the system disclosed by Wade, for the motivation of providing a method of providing the support related

processes that are a part of most businesses. Wade describes IT structures such as database matching, Custom inspectors (personnel) and items used by customers of the Customs Service such as declaration cards (pg. 1; para. 5) and kiosks (pg. 2; para. 9). These items would require procurement, financing and budgetary considerations, therefore, would benefit from business process integration as disclosed by Wong.

29. Claims 4-5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wade ("Customs aims to keep their pledge; [Final Edition]". San Antonio Express-News. San Antonio, Tex.: Mar. 30, 1997, pg.3.K) in view of Wong (US Pat. No. 6,115,690) in view of Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition").
30. **Claim 4:** Wade discloses manual processing of individual and trade requests (passengers use declaration cards to clear Customs; luggage is inspected by Customs inspectors- pg. 1; para. 5). Individuals are also automatically processed during their inbound flights when their passports are checked through IBIS and those passengers who are not matched are waved through Immigration and Customs (pg. 2; para. 2-3). Wade does not disclose automated processing of trade requests.
31. Coalition, however, discloses pre-clearance programs for shipments, such as the National Customs Automation Program. (pg. 8; para. 5).
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included automated trade clearance, such as a pre-clearance program, as disclosed by Coalition, in the system of Wade for the motivation of providing an option for low-risk companies that permits "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12).

33. **Claim 5:** Wade discloses entry processing (pg. 1; para. 5), exit processing (pg. 2; para. 2) and import processing (pg. 1; para. 9: paying duty inherently includes importing). Wade does not disclose exporting.
34. Coalition, however, discloses exporting (pg. 25; para. 1).
35. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included exporting, as disclosed by Coalition, in the system of Wade for the motivation of detecting illegal smuggling activities. (Coalition; pg. 6; para. 5).
36. **Claims 8 and 9:** Wade discloses reviewing traveler information using the Interagency Border Inspection System (IBIS) that allows for comparison of passports with law enforcement data in order to determine admission to the US. (pg. 2; para. 2-3). This allows for the identification and locating of people with immigration violations. Wade does not disclose real-time access, nor does Wade disclose real-time access to information for trade clearance or identifying illegal or suspicious trade.
37. Coalition, however, discloses "Smart transportation networks" that allow in-transit electronic reporting (pg. 23; bullet 1) that will allow "government officials to pinpoint which people or goods they need to inspect when they arrive". (pg. 22; para. 11). Electronic reporting inherently comprises real-time access.
38. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included smart transportation networks, as disclosed by Coalition, in the system of Wade for the motivation of permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12).
39. **Claim 10:** Wade discloses gathering information from individuals (pg. 2; para. 9: some travelers are questioned by an Immigration officer), but does not disclose gathering information about illegal trade or communicating intelligence about either illegal trade or individuals who pose a threat.

40. Coalition, however, discloses using "technology to report and share intelligence and data from shippers to both the Canadian and American governments represents one of the most effective approaches to improving cross-border traffic flows. It will allow government official to pinpoint which people or goods they need to inspect when they arrive, allowing the others to move more freely." (pg. 22; para. 11).
41. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included communicating intelligence, as disclosed by Coalition, in the system of Wade for the motivation of permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12) and ultimately increasing national safety.
42. Claims 13-17 and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Wong (US Pat. No. 6,115,690).
43. **Claim 13:** Coalition discloses border management including *a set of core applications for standard border management functions*, (pg. 3; bullet 2) *and case management* (pg. 15; para. 5: centralized applications processing) *and intelligence applications* (pg. 22; para. 11: using technology to report and share intelligence); *a set of customer channels for providing individual access points for the users of the border management application architecture* (pg. 9; para. 9: electronic reporting for companies (i.e., customers)); *a customer channel interface interconnecting the set of customer channels and the set of core applications* (pg. 7; para. 5 and 7: the Internet interconnects customer channels (i.e., web sites) and applications when the customer is reporting information to the government); *one or more management access channels for providing access points and tools for the sharing and access of border management data across border management capabilities* (pg. 7; para. 5: the Internet provides access points and

para. 10: Canada and US invest in joint systems to create integrated solutions); *and one or more management access interfaces interconnecting the one or more management access channels with the set of core applications* (pg. 7; para. 5 and 7: the Internet interconnects customer channels and applications when the customer is reporting information to the government). By disclosing the Internet and electronic reporting, Coalition inherently discloses computer interfaces such as keyboards and access channels such as web sites.

44. Coalition does not disclose application architecture.
45. Wong, however, discloses "software that enables end-to-end, business-to-business Web commerce...that automates...the various aspects of running a successful and profitable business." (C4; L7-12).
46. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included application architecture, as disclosed by Wong, in the system of Coalition for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By combining Wong's business process integration system with the various aspects of border management performed by the governments of Canada and the US, the process of providing the clearance across borders would be streamlined, more efficient and therefore aid in permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12).
47. **Claims 14 and 15:** Coalition discloses smart transportation networks for electronic reporting, shipment tracking and screening of containers (pg. 5; para. 1: cargo targeting and processing); imports/exports and entry/exit processing (pg. 25; para.1); centralized applications processing (pg. 15; para. 5: forms submission and case management); law enforcement (pg. 16; para.4); investigations (pg. 16; para. 7); passenger targeting (pg. 17; para. 5); revenue collection (pg. 15; para.12) and background checks (pg. 18; para.7).

- 48. Claims 16 and 17:** Coalition discloses centralized application processing which includes assessment of the applicant's qualifications and authentication of supporting documents. These inherently involve activity and information recording and workflow management. Anybody making a false declaration is forcefully prosecuted (pg. 16; para. 10), therefore, an alert must be triggered in order to proceed with prosecution. A single data clearinghouse circulates passenger manifest data to appropriate departments in accordance with legal requirements. (pg. 17; para. 6: this also provides an alert.). Information between the passport office and various law enforcement bodies (pg. 16; para. 4) and a database contains immigration, law enforcement and security agency information that includes entry and exit data and is used to track physical presence for establishing residency compliance. (pg. 16; para.15 – pg. 17; para. 1). This demonstrates intelligence sharing and the synthesis and analysis of border management data.
- 49. Claim 19:** Coalition discloses the internet and electronic data interchange (pg. 7; para. 5 and 7), a customer center (pg. 15; para. 5: visa offices) and mobile access (pg. 23; para.1: smart transportation networks for in-transit (i.e., mobile) reporting). Coalition does not disclose kiosks or call centers, but it would be obvious to expand the system of Coalition to include kiosks as kiosks are an old and well known form of customer interface and would provide convenient visa application access in the visa offices abroad. Coalition discloses providing "telephone reporting systems" (pg. 38; bullet 3 under "Specific Initiatives for Immediate Action") therefore, it is obvious to expand the system of Coalition to include call centers in order to both process application requests, assist customers during the application process and provide an alternative reporting mechanism.
- 50. Claims 20 and 22:** Coalition discloses providing access points (the Internet – pg. 7; para. 5) and tools (NEXUS, EPPS, CSA, IBIS and NCAP – pg. 8; para. 1-5) for sharing data. Coalition does not disclose management/administration tool set or a client relationship tool set.

51. Wong, however, discloses that business processes (i.e., management/administration tool set) include purchasing (i.e., procurement), financial performance (i.e., finance and budgets) and personnel (i.e., human resources) (C5; L56-63) and customer service (C2; L17-18).
52. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included management and customer service tools, as disclosed by Wong in the system disclosed by Coalition, for the motivation of providing a method of providing the support related processes that are a necessary part of most businesses.
53. **Claim 21:** Coalition discloses *a collaboration tool*; (pg. 3; para. 2: data sharing and pg. 16; para. 4: links between passport office and various agencies to determine passport issuance); *a reporting and data mining tool*; (pg. 18; para. 7: background checking); *an integrated document management tool*; (pg. 8; para. 9: "NEXUS allows the applicant to make one application that is shared and approved by both governments"); *a data warehouse tool*; (pg. 4; para. 7: "computerized database to screen visa applicants"); *a security maintenance tool*; ("NEXUS is a security system that ensures identification of low-risk individuals"); *and an external interfaces tool* (pg. 7; para. 5; the Internet).
54. **Claim 23:** Coalition discloses border management including *an immigrants, travelers and trade capability for managing the entry and exit of people and cargo* (pg. 3; bullet 2); *a requests and applications capability for processing documents associated with immigrants, travelers, and trade* (pg. 3; bullet 2 and pg. 15; para. 5); *a detection and enforcement capability for patrolling and monitoring passengers and trade* (pg. 7; para. 3, 8 and 12; pg. 8; para. 2 and 3); *an investigation and intelligence capability for identifying and investigating unusual activity and trends associated with the entry and exit of people and trade* (pg. 7; para. 12); *and one or more supporting elements for storing collecting and storing information collected and intelligence developed with the border management solution* (pg. 11; para. 12-13: sharing intelligence inherently requires it to be collected and stored.).
55. Coalition does not disclose *a quadrant with associated business processes*.

56. Wong, however, discloses "software that enables end-to-end, business-to-business Web commerce...that automates...the various aspects of running a successful and profitable business." (C4; L7-12).
57. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a business processing approach, as disclosed by Wong, in the system of Coalition for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By combining Wong's business process integration system with the various aspects of border management performed by the governments of Canada and the US, the process of providing the clearance across borders would be streamlined, more efficient and therefore aid in permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12).
58. **Claims 24 and 26-28:** Coalition discloses border management including *customer channels for allowing a customer to interact with border management employees, processes, or systems of the border management solution* (pg. 9; para. 9: electronic reporting for companies (i.e., customers)); *view of the customer providing a knowledge base of customer information* (pg. 15; para. 4-5); *a border management knowledge element interconnected with the customer channels and providing access by border management personnel to the information and intelligence maintained within the border management solution* (pg. 11; para. 12-13: the system for sharing customs data, information and intelligence would inherently include a *border management database*); *and a border enforcement intelligence element and external data sources for transforming data and information collected about a customer into enforcement intelligence* (pg. 16; para. 4, 7 and 10: passport information is shared among pertinent agencies through links to the various agencies, (thus providing intelligence tools, an engine and database), investigations are conducted and violators are prosecuted).

59. Coalition does not disclose the integrated concepts that produce a single knowledge base or interconnectivity or selective access.
60. Wong, however, discloses "software that enables end-to-end, business-to-business Web commerce...that automates...the various aspects of running a successful and profitable business." (C4; L7-12).
61. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included application architecture, as disclosed by Wong, in the system of Coalition for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By combining Wong's business process integration system with the various aspects of border management performed by the governments of Canada and the US, the process of providing the clearance across borders would be streamlined, more efficient and therefore aid in permitting "governments to focus their attention more effectively on illegal and irregular movements of goods and people." (Coalition; pg. 7; para. 12).
62. **Claim 25:** Coalition discloses the internet and electronic data interchange (i.e., portals) (pg. 7; para. 5 and 7), and Customs inspectors (port service representative) (pg. 6; para.8). Coalition does not disclose kiosks or call centers, but it would be obvious to expand the system of Coalition to include kiosks as kiosks are an old and well known form of customer interface and would provide convenient visa application access in the visa offices abroad. Coalition discloses providing "telephone reporting systems" (pg. 38; bullet 3 under "Specific Initiatives for Immediate Action") therefore, it is obvious to expand the system of Coalition to include call centers in order to both process application requests, assist customers during the application process and provide an alternative reporting mechanism.

63. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Coalition for Secure & Trade-Efficient Borders ("Rethinking our Borders: A Plan for Action". Published Dec. 3, 2001 at www.cme-mec.ca/national/template_na.asp?p=104, hereafter referred to as "Coalition") in view of Wong (US Pat. No. 6,115,690) in view of Air Safety Week ("Hijacked Jetliners Used as Weapons of Mass Destruction". Air Safety Week. New York: Sep. 17, 2001. Vol. 15, Iss. 35; pg. 1).
64. **Claim 18:** Coalition discloses the Expedited Passenger Processing System (EPPS) as part of a risk management solution (pg. 8; para. 3-4: it is clear that EPPS is an *information synthesis application*). Coalition does not disclose a *risk scoring and analytics application*.
65. Air Safety Week, however, discloses the Computer Assisted Passenger Prescreening System (CAPPS) that uses profiling techniques to identify "threat individuals who score high on a computerized risk profile." (pg. 4; para. 8).
66. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included risk scoring, as disclosed by Air Safety Week, in the system of Coalition for the motivation of limiting the burden of passenger screening (Air Safety Week; pg. 4; para. 8) and "stream low-risk travelers through the airport system." (Coalition; pg. 8; para. 4).
67. **Claims 29-36 and 55-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. ("Terrorists exploited their Saudi visa; U.S. has been lax in monitoring visitors, particularly from rich all; [Fourth Edition]". Seattle Times. Seattle, Wash.: Nov. 11, 2001. pg. A.10, hereafter referred to as "Wilson") in view of Wong (US Pat. No. 6,115,690).
68. **Claims 29-36:** Wilson discloses that US visas require an application, a valid passport and picture identification (*supporting documentation*) and personal interviews in order to determine whether to grant or deny an application. (pg. 1; para. 1-3). Visa applications are checked against a computerized database of people with known terrorist links, criminal backgrounds or previous visa denials (thus the application exists in a *database* which inherently includes making entries.) (pg. 2; para. 16). Applicants from watch list countries undergo background interviews and

fingerprinting (*biometric information*). (pg. 2; para. 8). The INS also refers cases to the FBI (pg. 3; para. 14), as a result of information provided by the CIA. Wilson does not disclose follow-up interviews, but it is obvious that such an applicant might undergo a follow-up interview as a result of the background interviews. Wilson also does not disclose appealing a denied application, but it is old and well known that appeal processes exists under US law in order to ensure due process. Therefore, it would be obvious to expand the system of Wilson to include a denied application appeal process.

69. Wilson does not disclose *a requests and applications quadrant of a border management solution*.
70. Wong, however, discloses "software that enables end-to-end, business-to-business Web commerce...that automates...the various aspects of running a successful and profitable business." (C4; L7-12).
71. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a quadrant of an overall system, as disclosed by Wong, in the system of Wilson for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By applying the integration of Wong's system, the streamlined operation would result in a more effective means of policing "the borders of a free society." (Wilson, pg. 4; para. 7).
72. **Claims 55-58:** Wilson discloses that passengers are checked by INS or Customs officers using an interagency database. Records show that inspectors at airports spend under a minute with each foreign visitor. The foreign visitors complete an I-94 that includes name, destination, reason for visit, length of stay, where the visitor will be staying and other identifying information. The cards are turned in upon departure, so the INS can track and monitor overstays. (pg. 3; para. 3-7). The data collected on the I-94 represents *border intelligence* and the system used by the INS to track and monitor overstays provides the ability to review, analyze and generate an action plan. The CIA sent information to the INS (the INS was alerted) which triggered the INS to ask the FBI to launch an investigation. (pg. 3; para. 14).

73. Wilson does not disclose *an investigation and intelligence quadrant of a border management solution*.
74. Wong, however, discloses "software that enables end-to-end, business-to-business Web commerce...that automates...the various aspects of running a successful and profitable business." (C4; L7-12).
75. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a quadrant of an overall system, as disclosed by Wong, in the system of Wilson for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By applying the integration of Wong's system, the streamlined operation would result in a more effective means of policing "the borders of a free society." (Wilson, pg. 4; para. 7).
76. **Claims 37-41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al. ("Terrorists exploited their Saudi visa; U.S. has been lax in monitoring visitors, particularly from rich all; [Fourth Edition]". Seattle Times. Seattle, Wash.: Nov. 11, 2001. pg. A.10, hereafter referred to as "Wilson") in view of Sachs ("Changes Called Likely In Policy on Immigration". New York Times. (Late Edition (East Coast)). New York, N.Y.: Sep. 24, 2001. pg. A.16) in view of Wong (US Pat. No. 6,115,690).
77. **Claims 37-41:** Wilson discloses that US visas require an application, a valid passport and picture identification (*supporting documentation*) and personal interviews in order to determine whether to grant or deny an application. (pg. 1; para. 1-3). Visa applications are checked against a computerized database of people with known terrorist links, criminal backgrounds or previous visa denials (thus the application exists in a *database* which inherently includes making entries.) (pg. 2; para. 16). Applicants from watch list countries undergo background interviews and fingerprinting (*biometric information*). (pg. 2; para. 8). The INS also refers cases to the FBI (pg. 3; para. 14), as a result of information provided by the CIA. Upon entry through a border, an

individual is checked by INS or Customs officers using an interagency intelligence database and cleared for entry. (pg. 3; para. 3: information is entered and reviewed. Clearing for entry is an old and well known process at a border which includes verification of an identity (using the passport and picture identification (pg. 1; para. 2)). Foreign visitors fill-out an I-94 which is handed in when they leave the country, creating a tracking system for the INS to monitor overstays (pg. 3; para. 6-7: in order to monitor, it is obvious that the departure is entered into a database because it is old and well known to use databases to track and update information.)

78. Wilson does not disclose passenger manifests.
79. Sachs, however, discloses "airlines electronically transmit the passenger manifests to a data system in the United States to be checked against a lookout list while the planes are in the air." (pg. 2; para. 6).
80. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included passenger manifests, as disclosed by Sachs, in the system of Wilson for the motivation of "checking the identities of immigrants against watch lists of suspects in crimes and terrorists." (Sachs, pg. 2; para. 6). By expanding the system of Wilson to include checking passenger manifests as a means of pre-clearance of travelers, federal inspectors at airports would be under less pressure and would be able to spend additional time checking travelers who provoked suspicion. (Wilson; pg. 3; para. 4).
81. Wilson does not disclose *an immigrants, travelers and trade quadrant of a border management solution*.
82. Wong, however, discloses "software that enables end-to-end, business-to-business Web commerce...that automates...the various aspects of running a successful and profitable business." (C4; L7-12).
83. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a quadrant of an overall system, as disclosed by Wong, in the system of Wilson for the motivation of integrating processes (including services) that result in a streamlined

operation with data available in real-time. (Wong; C4; L18-24). By applying the integration of Wong's system, the streamlined operation would result in a more effective means of policing "the borders of a free society." (Wilson, pg. 4; para. 7).

84. **Claims 42-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kestin ("How did we miss enemies in our midst?; [Broward Metro Edition].¹¹ South Florida Sun-Sentinel. Fort Lauderdale, Fla.: Sep. 16, 2001. pg. 1.A) in view of Wilson et al. ("Terrorists exploited their Saudi visa; U.S. has been lax in monitoring visitors, particularly from rich all; [Fourth Edition]". Seattle Times. Seattle, Wash.: Nov. 11, 2001. pg. A.10, hereafter referred to as "Wilson") in view of Wong (US Pat. No. 6,115,690).
85. **Claims 42-54:** Kestin discloses immigration and border patrol personnel using a watch list (an alert) which is compiled by the CIA and other intelligence sources (*referral*) to alert the government (*generating an alert*) when someone of the list enters the country. The watch list contains names, alias and photos (triggers). (pg. 1; para. 10-11). Kestin does not disclose case management aspects such as reviewing, interviewing and rendering decisions.
86. Wilson, however, discloses that US visas require an application, a valid passport and picture identification (*documentation*) and personal interviews in order to determine (i.e., review) whether to grant or deny an application. (pg. 1; para. 1-3: This information is collectively understood to constitute a case). Visa applications are checked against a computerized database of people with known terrorist links, criminal backgrounds (*additional law enforcement* information) or previous visa denials (thus the application exists in a *database* which inherently includes making entries. Database checking against a watch list and denied visas constitutes reviewing *files, notes and related cases.*) (pg. 2; para. 16). The INS also refers cases to the FBI (pg. 3; para. 14), as a result of information provided by the CIA. Upon entry through a border, an individual is checked by INS or Customs officers using an interagency intelligence database and cleared for entry. (pg. 3; para. 3: information is entered and reviewed.) Visas have photographs (pg. 2; para.

7) and applicants from watch list countries undergo background interviews and fingerprinting (*biometric information*). (pg. 2; para. 8). Therefore, it is obvious that the case database would contain photographs and fingerprints. As disclosed in Kestin, the watch list contains photos, so it is obvious that databases can include images such as photos and fingerprints and it would be obvious to expand Wilson to include this type of data.

87. Kestin does not disclose *a detection and enforcement quadrant of a border management solution*.
88. Wong, however, discloses "software that enables end-to-end, business-to-business Web commerce...that automates...the various aspects of running a successful and profitable business." (C4; L7-12).
89. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a quadrant of an overall system, as disclosed by Wong, in the system of Kestin for the motivation of integrating processes (including services) that result in a streamlined operation with data available in real-time. (Wong; C4; L18-24). By applying the integration of Wong's system, the streamlined operation would result in a more effective means of aiding our intelligence agencies so that resources can be directed to high value targets.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

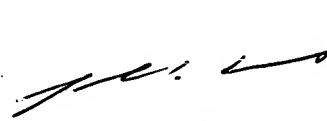
- Canada NewsWire. "Business Outlines Border Management and Security Recommendations".
Canada NewsWire. Ottawa: Dec. 3, 2001. pg. 1: This document provides the publication of
Coalition for Secure & Trade-Efficient Borders report, "Rethinking our Borders: A Plan for Action"
on page two.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (6:00- 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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